

**VILLAGE OF WAUCONDA
PLAN COMMISSION/ZONING BOARD OF APPEALS**

Meeting Minutes
March 2, 2016

CALL TO ORDER:

Chairman Rob Fosness called the meeting to order at 7:00 p.m., and led everyone in the Pledge of Allegiance.

ATTENDANCE:

Roll Call was taken:

	Present	Absent
Cliff Babbey	X	
Dave Jakubek	X	
Jeff Lockhart		X
Frank Lahrman	X	
Brad Mayer	X	
Ricardo Vega	X	
Rob Fosness, Chairman	X	

Village Staff & Village Consultants Present: Chris Miller, Director of Building, Planning & Zoning, and Peter Karlovics, Magna Law, Village Attorney.

Others Present: none

APPROVAL OF December 16, 2015 MINUTES:

Chairman Fosness asked the Members if there were any questions or concerns with the December 16, 2015 minutes as drafted. There were no additional comments. A motion was made by Dave Jakubek, and seconded by Frank Lahrman to approve the minutes as presented. There was no further discussion and Chairman Fosness called for a voice vote. All Members present voted Aye and there were no Nays.

PUBLIC HEARING: Zoning Case #16-01, Zoning Text Amendments, Section 155.022 Table 2

Chairman Fosness opened the Public Hearing and described the procedures that would be followed. Chairman Fosness requested all individuals who may present testimony or wanting to be heard regarding the petition to be sworn in. Village Attorney Karlovics swore Director Miller in. Director Miller testified that notice of the public hearing appeared in the Daily Herald newspaper on February 13, 2016, and he provided a Certificate of Publication. Mr. Miller introduced the Village Zoning Application requesting certain zoning text amendments to the Village Zoning Ordinance, and offered the Zoning Application as Exhibit 1. Chairman Fosness accepted the exhibit. Mr. Miller testified that the zoning text amendments being requested are the result of changing conditions whereby a recent Illinois Supreme Court Ruling reaffirmed that School Districts are subject to local zoning rules in a case involving a Crystal Lake School District. Attorney Karlovics provided the Members with additional background associated with the Supreme Court Ruling, including noting that a municipality cannot interfere with a School District's statutory duty to educate, and that the zoning authority of a municipality over a school district is restricted to addressing the health, safety and welfare of the community as a whole, whereas the school district has the authority to address issues of building and construction of school buildings that address the health, safety, and welfare of those who use school facilities, in accordance with the School Code. Attorney Karlovics added that having reasonable zoning standards in place can avoid confusion and provide protections for the public. Mr. Miller testified he reviewed the applicable zoning standards associated with "Any School" in all residential zoning districts and found significant difference in the application of building setbacks between the R1 Zoning District and the R2, R3, R4 and R5 Zoning Districts where schools are permitted with a conditional use permit. Mr. Miller presented a single page double sided exhibit and asked that it be identified and accepted as Exhibit 2. Chairman Fosness entered that exhibit into the record. Mr. Miller testified that on one side of Exhibit 2 was a chart comparing Table 2 Zoning Standards found in the present Zoning Ordinance associated with schools in all residential districts along with a column indicating the requested text amendments for any school in the R1 Zoning District. Mr. Miller testified that the existing setback requirements within the R1 Zoning District are significantly more restrictive than those found in the other Districts, and testified that it severely restricts the placement of school buildings on the property. Mr. Miller testified to the reverse side of Exhibit 2 which provided a graphic image comparing the "buildable" area of a typical minimum size parcel of 200,000 square foot with 300 feet of width. Mr. Miller testified that under a typical minimum lot size as set forth in the present zoning standards that a school being built in the R1 Zoning District could only utilize approximately one-third of the property in choosing where a school could be

constructed given the 100 foot side yard, 100 foot rear yard and 75 foot front yard setbacks; while the other zoning districts with a similar size parcel are permitted considerably more flexibility in placing a building due to reduced setbacks. Mr. Miller testified the current minimum side yard setback in the R2, R3, R4 and R5 Zoning Districts is 19 feet compared to 100 feet in the R1 District with no apparent justification. Mr. Miller reviewed other setbacks and applicable standards with the Members. He encouraged the Plan Commission/Zoning Board of Appeals to make findings that the requested Zoning Text Amendments are beneficial, and not detrimental, to the development of the Village and to the development of schools and medical facilities in the Village. He further testified that the amendments are consistent with the intent of the Zoning Ordinance given that any new school would require a conditional use permit. Mr. Miller also testified that in the R1 Zoning District, Table 2 Standards applicable to Any School are also applicable to "Health/Medical Use" and recommended consistency in the application of Table 2 "Any Health/Medical Use" that the standards for any Health/Medical Use be changed in the R2, R3, R4 and R5 Zoning Districts.

Public Comments: Chairman Fosness opened the hearing to public comment. There being no one present to offer public comment Chairman Fosness closed the meeting to public comment.

Member Discussion and Comments:

Member questions included clarification between Table 2 presented with the Zoning Application and the exhibits presented. Mr. Miller stated Table 2, attached to the zoning application, is consistent with the Exhibit 2 presented to illustrate the significant difference between the R1 setback requirements and those associated with the R2, R3, R4 and R5 Zoning District. A Member questioned why the request was brought forth? Mr. Miller stated that Robert Crown Grade School is presently zoned R1, and presently does not meet the current R1 Zoning setbacks. He stated, the amendments would bring the existing building into zoning conformance, while allowing greater flexibility in locating any future additions to prolong the use of the existing school to serve the community. Member discussion included a question whether any new schools are likely to be built. Mr. Miller stated any new school site proposed in the Village by the School District would need to receive a Zoning Conditional Use Permit from the Village including the appropriate public hearing.

There being no further questions or discussion Chairman Fosness asked for a favorable motion to recommend approval of the requested Zoning Text Amendments. A motion was made by Member Brad Mayer, second by Member Cliff Babbey to recommend favorable approval of the requested Zoning Text Amendments. There was no further discussion, and Chairman Fosness asked for a roll call vote.

Roll call vote.

	AYE	NAY	Absent
Cliff Babbey	X		
Dave Jakubek	X		
Jeff Lockhart			X
Frank Lahrman	X		
Brad Mayer	X		
Ricardo Vega	X		
Rob Fosness, Chairman	X		

The motion was approved.

Chairman Fosness requested Director Miller and Attorney Karlovics to prepare written Findings of Fact and Recommendations for the Plan Commission/ZBA review at their next meeting.

ANNOUNCEMENTS:

Director Miller asked the Members whether they are available to meet on March 23, 2016 versus March 16th, and all present had no objection.

ADJOURNMENT:

A motion to adjourn was made by Member Brad Mayer, and seconded by Member Dave Jakubek to adjourn the meeting. Chairman Fosness called for a voice vote, and all Members present voted in favor, none were opposed. The meeting adjourned at 8:00 pm.